

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
162 WASHINGTON AVENUE, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County
~~City~~ of Lewis
~~Town~~
~~Village~~

Local Law No. 4 of the year 19 92

A local law IN RELATION TO ESTABLISHING PROBATION ADMINISTRATIVE FEES.
(Insert Title)

Be it enacted by the Board of Legislators of the
(Name of Legislative Body)

County
~~City~~ of Lewis as follows:
~~Town~~
~~Village~~

(See Attached Sheets)

(If additional space is needed, attach pages the same size as this sheet, and number each.)

LOCAL LAW NO. 4 - 1992
COUNTY OF LEWIS

A LOCAL LAW IN RELATION TO ESTABLISHING PROBATION
ADMINISTRATIVE FEES.

Introduced by Legislator Lewis O. Nicol, Chairman of
the Courts and Law Enforcement Committee.

BE IT ENACTED by the Board of Legislators of the County
of Lewis as follows:

Section 1. LEGISLATIVE INTENT. Chapter 55 of the Laws
of 1992 provides the County of Lewis with the power to impose
a probation administrative fee on those individuals currently
serving or who shall be sentenced to a period of probation
upon conviction of any crime under Article 31 of the Vehicle
and Traffic Law in relation to alcohol and drug-related motor
vehicle matters. The Board of Legislators finds it to be in
the best interests of the County of Lewis to permit the
Probation Department to collect such fees.

Section 2. ADMINISTRATIVE FEE.

[a] An individual who shall be sentenced to a period
of probation upon conviction of a crime under Article 31 of
the Vehicle and Traffic Law shall pay the Probation Department
an administrative fee of thirty dollars per month.

[b] The provisions of Subdivision 6 of §420.10 of the
Criminal Procedure Law shall govern for purposes of collection
of the administrative fee.

[c] The administrative fee authorized by this section
shall not constitute nor be imposed as a condition of
probation.

[d] The Probation Department shall waive all or part
of the administrative fee where, because of the indigence of

the offender, the payment of said administrative fee would work an unreasonable hardship on the person convicted, his or her immediate family, or any other person who is dependent on such person for financial support.

[e] In the event of non-payment of any fees which have not been waived, the County may seek to enforce payment in any manner permitted by law for enforcement of a debt.

Section 3. FEE USAGE. Fees collected pursuant to this title shall be utilized for local Probation services.

Section 4. INCREASE OF FEE. In the event that the state law shall hereafter be amended to allow a greater fee than herein envisioned the Board of Legislators is hereby authorized by resolution to increase said Administrative fees.

Section 5. SEVERABILITY. If any clause, sentence, paragraph, subdivision, section or part of this Title or its application to any person or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order of judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this Title or its application to the person or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

Section 6. EFFECTIVE DATE. That the within local law shall take effect immediately upon all legal requirements being met.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 4 of 1992 of the (County)(City)(Town)(Village) of Lewis was duly passed by the Board of Legislators on August 3rd 1992, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 19____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____ 19____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

Mary E. Terrillion
Clerk of the County legislative body, ~~CITY, VILLAGE OR TOWN CLERK~~
~~xxx officer designated by local legislative body~~
Mary E. Terrillion
Date: August 5th, 1992

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK
COUNTY OF Lewis

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Kenneth B. Wolfe
Signature Kenneth B. Wolfe
Title County Attorney

County
~~City~~ of Lewis
~~Town~~
~~Village~~

Date: August 5th, 1992